

Pre-Appeal Brief Request for Review

PATENT APPLICATION
Docket No. 15964.4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	
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Kary K. Burns)	
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Serial No.:)	Art Unit
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Filed:)	
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Confirmation No.:)	
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For:)	
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INTERNET BROWSING USING A)	
UNIFORM INTERFACE)	
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Customer No.:)	
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Examiner:)	
Alexander Jamal)	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop **APPEAL**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

A succinct, concise and focused set of arguments for which the panel review is being requested begins on page 2. Reconsideration of the application by a panel of examiners is respectfully requested in view of the following remarks. Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the clear errors and omissions needed for a *prima facie* rejection.

ARGUMENTS

Rejections Under 35 U.S.C. § 103

The Patent Office rejects claims 1-8, 10-18, 26-32 under 35 U.S.C. § 103(a) as being unpatentable over *Burg* (U.S. Patent No. 6,456,699) in view of *Isensee* (U.S. Patent No. 5,815,153). Applicants respectfully disagree.

References Fail to Teach all of the Required Limitations

Embodiments of the invention relate to browsing the Internet with a similar or uniform interface. Claim 1 requires a first device with a touchpad having numbered keys. Claim 1 also requires a second access with an icon group that is arranged similarly to the touchpad. With this configuration, the user can send and receive content from at least one server connected to a network using a similar or uniform interface. Regardless of the device being used, the selection of a particular key or of the corresponding icon results in a request for a particular class of information.

In order to provide a similar interface on both the first device and the second device, claim 1 also requires a server that includes an access module with a correlation module that correlates HTML code with specified classes of information using a correlation data structure. The correlation module correlates the HTML code from both the first access device and the second access device. After the HTML code is correlated with a particular class of information, the server then requests the specified class of information from at least one server.

Applicants assert that these aspects of claim 1, among others, are not taught or suggested by the cited art. In order to ensure that similar interfaces (icon group and touchpad) access the same class of information, claim 1 requires an access module with a correlation module. The correlation module ensures that the selection of a particular icon results in a request for the same class of information as the selection of a corresponding key on a touchpad. Thus, the correlation module determines the class of information for both the first and second device.

Burg, in contrast, provides databases that can be accessed through two distinct systems (online system and IVR system) having dissimilar interfaces. Because the user interface of the online system taught by *Burg* is distinct from the user interface of a telephone, no teaching or suggestion is made of any correlation module that correlates the input from the respective interfaces as required by claim 1. In other words, *Burg* fails to teach or suggest a correlation module that ensures that the selection of a particular icon results in a request for the same class of information as the selection of a corresponding key on a touchpad. *Burg* fails to teach this aspect of claim 1 because *Burg* provides an on-line system that is translated (*see* abstract “translation of Web on-line menu architectures to IVR menu architectures”) such that it can be accessed either online or via an IVR system. Further, this aspect of claim 1 is not taught or

suggested because the interface of the on-line system is different from the interface of the IVR system. Further,

In effect, *Burg* requires users to either traverse an online system or to navigate the menus of an IVR system. This is clear from *Burg*, which teaches that “a customer is able to browse the Web site and access information on products” (see col. 8, lls. 40-41) with a computer or “dial the access number of the IVR service using telephones” (see col. 8, lls. 46-47). Thus, the system taught by *Burg* is based on a database that is specifically translated and configured for both online access and for IVR access. In contrast, the class of information requested by the server of claim 1 is not translated and configured.

Claim 1 simply does not require the development of an IVR system as taught by *Burg*. In fact, *Burg* appears to teach away from claim 1 by teaching that the database must be translated in order to access the database with an IVR system. A correlation module as required by claim 1 is not a translation of the database as taught by *Burg*. Rather, the a correlation module enables a server to ensure that requests from similar interfaces (icon group and touchpad) generate requests for the same class of information. Thus, *Burg* fails to teach at least the access module having the correlation module that correlates HTML code with specified classes of information.

For example, the server required in claim 1 correlates HTML code from both devices. *Burg* teaches in contrast that the web server 103 and the IVR server 107 can be a single partitioned server. See col. 8, lls. 60-62. One partition handles the IVR aspect and another partition handles the web aspect. See *Id.* and Figure 6. This suggests that the computer of *Burg* cannot access the content through the IVR system and that a telephone cannot access the content through a web server and further emphasizes that *Burg* fails to teach or suggest a correlation module as required by claim 1.

The Office Action suggests that *Burg* teaches that the computer may implement a graphical representation of the IVR menu structure with icons being associated with classes of information. See Office Action, page 3. Assuming this to be true, this still fails to teach claim 1 because there is no correlation module that correlates input from both a computer and from a telephone and because claim 1 requires that the icons be arranged similarly to a touchpad. *Burg* does not contemplate the need to correlate requests from similar interfaces because the interfaces are not meant to be similar.

In other words, the purpose of *Burg* is not to enable access to the database using similarly arranged user interfaces. Instead, *Burg* intends to develop a separate IVR system by translating an on-line system. For example, *Burg* identifies a structured database that supports on-line users as suitable for interactive voice response and then generates an interactive voice menu based on the analysis of the structured database. See col. 1, lls. 55-60. *Burg* teaches analyzing an on-line Web sales database and then adapting that database and menu structure to build an IVR system. See col. 5, lls. 54-57. This suggests that it is the data being accessed (e.g., database 80, 81 of *Burg*) that is being analyzed in order to

develop an IVR system. Thus, the IVR system taught by *Burg* can only access the database 80, 81. In contrast to claim 1, *Burg* does not consider network access using a uniform interface. In fact, the ability to access other data with the telephone is not taught in *Burg* because the translation of other data (data outside of the translated database) is not available to the IVR system.

In contrast, claim 1 does not require a translation of the online content into IVR content in order to access the content with both devices. Instead, claim 1 requires correlating the HTML code to identify a class of information. Claim 1 then requires a server that requests the specified class of information from the at least one server. This request from the at least one server does not require an analysis and translation of the class of information that is being stored by the at least one server in response to the request as is taught by *Burg*.

For at least these reasons, *Burg* fails to teach or suggest a server with an access module having a correlation module as required by claim 1. Because the servers for the web system and the IVR system of *Burg* are separate (see Fig 6) or a single partitioned server, *Burg* is recognizing that recognizing two distinct systems and two distinct user interfaces (computer and telephone) are needed to access a database that has been specifically configured for both on-line and IVR access. *Burg* therefore fails to teach or suggest a second device with a icon group that is similarly arranged to a touchpad of a first device. Because the interfaces (Web and IVR) contemplated by *Burg* are different, *Burg* also fails to teach a server with a correlation module that can correlate HTML code with specific classes of information that are later used by the server to request the specified class of information from the at least one server.

The Office Action cites *Isensee* as teaching a graphical user interface for a computer that may be arranged with a set of icons arranged in the same shape as a standard telephone keypad. Assuming, for argument purposes only, this to be true, the combination of *Burg* and *Isensee* still fail to teach or suggest the claimed invention because an access module including a correlation module as required by the claim is not taught as discussed above.

For example, *Burg* teaches an on-line system and an IVR system. Providing the graphical interface of *Isensee* does not overcome the deficiency of how a specified class of content is correlated to both a particular icon selected in the graphical interface and with a particular key in the touchpad. Neither *Burg* or *Isensee* teach or suggest the correlation module. Thus, even if the graphical user interface of *Isensee* is used in *Burg*, there is no teaching or suggestion that an icon selected on such an interface will access the same content when a particular key on a touchpad of a telephone is selected. This is because, as discussed above, the IVR system of *Burg* is developed independently of the on-line system and because there is no teaching or suggestion of a correlation module that can correlate the selection of an icon with the same class of information as a selection of a key on a touchpad.

No Motivation to Combine

Isensee teaches that “the present invention translates the letters to the desired phone number, and automatically dials the number.” See col. 3, lls. 42-44. *Isensee* contemplates the desirability to have “the real-world object on the GUI desktop appear very similar to what a user experiences in real life.” See col. 1, lls. 58-60. Thus, the user interface taught by *Isensee* is intended to function as a telephone. See col. 4, lls. 15-26. As a result, *Isensee* does not teach or suggest that the input is correlated with a specific class of information. Rather, *Isensee* teaches that the input is converted to a desired phone number, which is automatically dialed. Dialing a phone number fails to teach or suggest a correlation module that correlates HTML code with specified class of information. Thus, it is improper to combine *Burg* and *Isensee*.

With respect to claim 1, the Examiner has failed to consider the claim as a whole as required when making rejections under 35 U.S.C. § 103. The cited art fails to teach all of the limitations of the pending claims and there is no motivation to combine the cited references as discussed. For at least these reasons, the Examiner has failed to establish a *prima facie* case of obviousness and claim 1 is not rendered obvious by the cited art and allowance is respectfully requested. The other independent claims 6, 12, 26, and 32 have similar requirements and therefore overcome the cited art for at least the same reasons. The pending dependent claims are also in condition for allowance for at least the same reasons.

Thus, the Applicants respectfully request the Panel to consider whether the Patent Office’s burden has been met to supply a *prima facie* case of obviousness with respect to claims 1-18, and 26-32 prior to Applicants’ submission of the Appeal Brief.

Conclusion

In view of the foregoing, Applicants believe the claims as currently pending are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner’s Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 26th day of February 2007.

Respectfully submitted,

/Carl T. Reed/ Reg. #45454
CARL T. REED

Registration No. 45,454
Attorney for Applicant
Customer No. 022913
Telephone: (801) 533-9800